

REMARKS

Amendments to the Claims

The subject matter corresponding to formula II of claim 1 has been deleted without prejudice, and claims 2, 10, 11 and 25-28 have been canceled without prejudice, as drawn to non-elected subject matter. Applicants reserved the right to pursue the non-elected subject matter in one or more continuing (e.g., divisional) applications.

Claims 1 and 20 have been amended by replacing the term “comprise” with “form.” Claims 1, 17 and 19, have been amended by replacing the term “comprising” in the phrase “comprising a nucleoside” with “having.”

Claim 1 has been amended by inserting in the last line thereof a structural definition for “labeling group,” support for which can be found, e.g., from p. 16, line 29, to p. 17, line 11, of the specification as originally filed. Claim 12 has been amended by adding a structural definition for “nucleophile,” support for which can be found, e.g., from p. 39, line 29, to p. 41, line 2, and original claim 17 of the specification as originally filed.

Claims 3 and 5 have been amended by replacing the definitions of B and E with the language “B and E are as defined in claim 1” to avoid unnecessary repetition. Claims 1, 4, 5, 12, 16, 17, 19 and 20 have been amended by replacing the term “said” with “the.”

The amendments are fully supported by the specification. No new matter has been added.

Office Action

The Office Action includes a restriction requirement with respect to the following: Group I (claims 1 and 3-9), Group II (claims 2 and 26-28), Group III (claims 10 and 11), Group IV (claims 12-17 and 19-24) and Group V (claim 25). The Office Action also includes an election of species requirement.

Claims 1 and 3-9 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Claims 1 and 3-9 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite.

Claims 2 and 10-28 have been withdrawn from consideration.

Examiner Interview

Applicants wish to thank Examiner Solola for the courtesy of a telephonic interview on December 6, 2004, with Kenneth P. Spina, one of the attorneys for Applicants. In the interview, the restriction requirement was discussed and Examiner Solola agreed to withdraw

the restriction requirement as between Groups I and IV such that all of claims 1, 3-9, 12-17 and 19-24 will be examined together. Examiner Solola also agreed to withdraw the election of species requirement in view of Applicants' previous election of the core structure as noted on p. 6 of the Office Action. A structural definition for the term "nucleophile" in claim 12 also was discussed.

Discussion of the Office Action

In support of the rejection under 35 U.S.C. § 112, first paragraph, the Office Action asserts that the term "labeling group" allegedly lacks sufficient structural definition. In support of the rejection 35 U.S.C. § 112, second paragraph, the Office Action asserts that the terms "comprise" in claim 1, "comprising" (in the phrase "comprising a nucleoside") in claims 1 and 5, and "labeling group" in claims 1 and 5, allegedly render the claims indefinite.

Although Applicants disagree with the rejections, the claims have been amended to expedite the prosecution of the present application and not in acquiescence of the rejections. In this regard, as indicated above, claims 1 and 5 have been amended to incorporate a structural definition for the term "labeling group" as recommended by the Examiner. In addition, the term "comprise" in claim 1 was replaced with "form," and the term "comprising" in claim 1 (and claim 5 in view of its dependency on claim 1) has been replaced with "having," as recommended by the Examiner. Claims 17, 19 and 20 have been amended accordingly, and claim 12 has been amended to incorporate a structural definition for "nucleophile" as discussed in the interview.

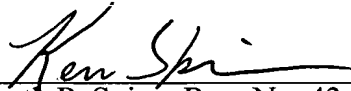
The foregoing amendments are believed to render moot the rejections under 35 U.S.C. § 112, first and second paragraphs, and resolve any issues that may have otherwise existed with respect to claims 12-17 and 19-24, which have been rejoined as agreed in the interview. Accordingly, reconsideration of the rejections is respectfully requested.

Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

In re Appln. of Beaucage et al.
Application No. 09/937,292

Respectfully submitted,



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